



FEE TRANSMITTAL
for FY 2003
(Large Entity)

Complete if Known

Application Number	09/901,556
Filing Date	September 24, 1999
First Named Inventor	HÖTTEN et al
Examiner Name	P. Mertz
Group Art Unit	1646
Total Amount of Payment	(\$110)
Attorney Docket Number	2923-286

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MAY 19 2003
TECH CENTER 1800/2900

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status

2. ☒ Payment Enclosed

☒ Check

☐ Credit Card

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
1001	750	Utility filing fee	[]
1002	330	Design Filing Fee	[]
1003	520	Plant Filing Fee	[]
1004	750	Reissue Filing Fee	[]
1005	160	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

Paid	Extra Claims	Fee	Fee
Total Claims [] - 20** = [] x \$18 = []			
Independent Claims [] - 3** = [] x 84 = []			
Multiple Dependent Claims + 280 = []			

**or number previously paid, if greater;

SUBTOTAL \$

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	[]
1052	50	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1804	1,840*	Requesting publication of SIR after Examiner action	[]
1251	110	Extension for reply within first month	[110]
1252	410	Extension for reply within second month	[]
1253	930	Extension for reply within third month	[]
1254	1,450	Extension for reply within fourth month	[]
1255	1,970	Extension for reply within fifth month	[]
1401	320	Notice of Appeal	[]
1402	320	Filing a brief in support of an appeal	[]
1403	280	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
1452	110	Petition to revive -unavoidable	[]
1453	1,300	Petition to revive - unintentional	[]
1501	1,300	Utility issue fee (or reissue)	[]
1502	470	Design issue fee	[]
1503	630	Plant issue fee	[]
1460	130	Petitions to the Commissioner	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
8021	40	Recording each patent assignment per property (times number of properties)	[]
1809	750	Filing a submission after final rejection (37 CFR 1.129(a))	[]
1810	750	For each additional invention to be examined (37 CFR 1.129(b))	[]
1801	750	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
Other fee (specify)			[]

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$110

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Monica Chin Kitts, Reg. No. 36,105		
SIGNATURE		DATE	May 15, 2003
		DEPOSIT ACCOUNT USER ID	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	<i>Application Number</i>	09/901,556
	<i>Filing Date</i>	September 24, 1999
	<i>First Named Inventor</i>	Hötten et al.
	<i>Group Art Unit</i>	1646
	<i>Examiner Name</i>	P. Mertz
	<i>Attorney Docket Number</i>	2923-286
<i>Title of the Invention: DNA SEQUENCES ENCODING NOVEL GROWTH/ DIFFERENTIATION FACTORS</i>		

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

May 15, 2003

Dear Sir:

In response to the restriction requirement dated April 7, 2003, applicants request entry of the amendments below and reconsideration of the restriction requirement.

IN THE CLAIMS:

Please amend the claims as follows.

28. (Amended) A method for detecting a protein of the TGF- β family,
comprising incubating an antibody or antibody fragment according to claim 20 with a
sample suspected of containing a protein of the TGF- β family, and
detecting any antibody/protein complex formed as an indication of the presence of said
protein.

Please add the following new claim to the application:

a2 by 51 32. The method according to claim 28, further comprising detecting said protein.--

IN THE SEQUENCE LISTING:

Please substitute the sequence listing for this application with the attached, substitute sequence listing.

REMARKS


In response to the restriction requirement dated April 7, 2003, applicants hereby elect group 1, claims 20-23 and 30 with traverse on the grounds that groups 1 and 3 should be examined together. Group 1 is directed to an antibody which specifically binds to a protein having an amino acid sequence according to SEQ ID NO:3. Group 3 is directed to a process for using the antibody in group 1 to detect a protein. If the prior art is searched for the antibody used in the method of group 3, the antibody of group 1 will have effectively been searched. Claim 28, the only claim in group 3, has been amended to clarify the relationship between groups 1 and 3.

In addition, the restriction requirement states that the product of group 1 can be used in a materially different process such as immunochromatography. Applicants respectfully point out that immunochromatography can be used as a detection method according to claim 28. The purification serves as the detection.

Attached to this response is a substitute sequence listing. In the substitute sequence listing, the attorney docket number has been changed to 2923-286 and the description of sequences 43 and 44 has been changed. The sequence listing filed on March 26, 2002

erroneously switched the organisms for SEQ ID NOS: 43 and 44. The attached sequence listing corrects this error. None of the sequences have been changed, only the organisms <213> have been switched.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Monica Chin Kitts, Registration No.: 36,105				
SIGNATURE				DATE	5/15/03
ADDRESS	Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W.				
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COUNTRY	U.S.A.	TELEPHONE	202-783- 6040	FAX	202-783- 6031

APPENDIX

Marked-Up copy of claims to show amendments:

28. (Amended) A method for detecting a protein of the TGF- β family, comprising incubating an antibody or antibody fragment according to claim 20 [which specifically binds to a protein of the TGF- β family] with a sample suspected of containing a protein of the TGF- β family [said protein], and

detecting any antibody/protein complex formed as an indication of the presence of said protein[,

wherein said protein is encoded by a DNA comprising a nucleotide sequence selected from the following group:

- (a) the nucleotide sequence as shown in SEQ ID NO:1,
- (b) a nucleotide sequence which is degenerate as a result of the genetic code to the nucleotide sequence of (a), and
- (c) fragments of (a) or (b) which encode a protein which has essentially the same cartilage or bone inducing activities as a mature protein encoded by the nucleotide sequence of SEQ ID NO:1].